



Talbot County Planning Commission
Final Decision Summary

Wednesday, November 4, 2020 at 9:00 a.m.
Wye Oak Room, Talbot Community Center

Attendance:

Commission Members:

Phillip "Chip" Councill, Chairman
Lisa Ghezzi
Michael Strannahan
Paul Spies

Attended by Teleconference:

William Boicourt, Vice Chairman

Staff:

Mary Kay Verdery, Planning Officer
Miguel Salinas, Assistant Planning Officer
Elisa Deflaux, Planner II
Maria Brophy, Planner II
Ray Clarke, County Engineer

1. Call to Order—Commissioner Councill called the meeting to order at 9:03 a.m.

2. Decision Summary Review

October 7, 2020—The Commission noted the following corrections to the draft decision summary:

- a. Line 34 & 35— check lines for completeness
- b. Line 83— correct to "met"
- c. Line 84— correct to say "to be"
- d. Line 116 & 118— correct to "proposed"
- e. Line 233—correct to "a.m."

Commissioner Spies moved to approve the October 7, 2020 Decision Summary, with amendments. Commissioner Ghezzi seconded the motion. The motion carried (4-1) Commissioner Councill abstained.

3. Old Business—None

4. New Business

a. Applicant: Talbot County
File No.: Appeal # 20-1716
Agent: Warren Edwards, Talbot County Roads Department
Request: Special Exception recommendation to the Board of Appeals for repurposing facility for the processing and sale of masonry and material products
Location: St. Michaels Rd, Easton MD 21601
Zoning: Map 34, Grid 2, Parcel 11, Zone: CP

Elisa Deflaux, Planner II, read the staff report. The purpose of this plan is to obtain special exception approval for a repurposing and recycling facility under the land use category of Product Recycling, Section 190-30.12 of the Talbot County Code. The site operations include the processing, stockpiling, and retail sales of masonry (concrete, asphalt, brick, block and stone) and material products (including trees, stumps, branches, leaves, grass trimmings and soil). The subsequent site plan approval will include the installation of a 10' x 40' office trailer and parking for employees. The land use requires a minimum parcel size of 75 acres and maximum site coverage for the equipment and storage area is 15 acres. Supplemental setbacks of 500 feet from property lines are required for equipment and storage areas, with a minimum setbacks of 1000 feet from existing residences. Should the Planning Commission recommend approval to the Board of Appeals, staff recommends the following condition:

- 1) The applicant shall obtain major site plan approval from the Planning Commission.

Commissioner Cuncell noted the following correction to the staff report. Under the section Policy and Zoning Analysis, item number 2, replace the word produce with "product." Warren Edwards, Roads Supervisor for Talbot County and Ken Eaton of Davis, Bowen Friedel were present and available to help answer any questions. Warren Edwards gave a detailed summary of the project. The County was using excessive amounts of money to dispose of materials. These materials are obtained during tasks that employees perform to maintain the County such as; cleaning ditches and removing fallen trees. Instead of paying landfills or other vendors to recycle, the County would like to recycle these materials. Talbot County Roads Department started stock piling material about four years ago. The pile quickly grew. They just finished recycling from the second school. This renovation project allowed the County to prove how we could recycle and financially benefit. During this project the County sold back over 7,000 pounds of crushed concrete. Five products were created out of the concrete. This is a huge revenue producer for the County. This will also benefit our residents and businesses in Talbot County. Residents can dispose of recycle materials for free. Contractors will pay a fee to dispose. Farmers and contractors will be allowed to buy back product.

In response to Commissioner Boicourt, Mr. Edwards stated that there is no run-off issue on the property. All work is being done in the berm area. All water is drained to the area that is proposed to be a storage pond that will eventually be used as a fire suppression well. Mr. Warren has already consulted with representatives from Maryland Department of Environment who visited the property. Commissioner Ghezzi asked for clarification as they have already started recycling prior to appearing before the Planning Commission. Mary Kay Verdery clarified that Roads Department is only doing projects that have been granted a Temporary Use Certificate. They need to go through the site plan for permanent use. Commissioner Ghezzi asked for clarification on code 190-30. Does it allow for processing? Mary Kay Verdery clarified "processing". Our recycling facilities allow recycling all products including plastic, glass, metal etc... This facility is limited to product recycling of specific material such as wood, concrete and stone. Commissioner Spies asked

how the County plans to monitor quality control of incoming materials. Mr. Edwards understands the importance of this and, stated that task will create a new position with the County. He also confirmed for Mr. Spies that the noise level is minimal to none. The woods create a perfect buffer. No further questions were asked at this time. There were no public comments.

Commissioner Ghezzi moved to recommend to the Board of Appeals approval of Special Exception # 20-1716 to allow for Talbot County to establish a repurposing facility under the Land Use category of Product Recycling, 190-30.12, subject to the staff condition. Commissioner Strannahan seconded the motion. The motion carried (5-0).

b. Applicant: Talbot County Roads Department
File No.: SP626
Agent: Warren Edwards, Talbot County Roads Department
Request: Major Site Plan for a repurposing facility for the processing and sale of masonry and material products
Location: St. Michaels Rd, Easton MD 21601
Zoning: Map 34, Grid 2, Parcel 11, Zone: CP

Elisa Deflaux, Planner II read the staff report. The purpose of this plan is to obtain major site plan approval for a repurposing and recycling facility under the land use category Product Recycling, Section 190-30.12 of the Talbot County Code. The site operations include the processing, stockpiling, and retail sales of masonry (concrete, asphalt, brick, block and stone) and material products (including trees, stumps, branches, leaves, grass trimmings and soil). This approval includes the installation of a 10' x 40' office trailer and parking for employees. The land use requires a minimum parcel size of 75 acres and maximum site coverage for the equipment and storage area is 15 acres. Supplemental setbacks of 500 feet from property lines are required for equipment and storage areas, with a minimum setbacks of 1000 feet from existing residences. Should the Planning Commission recommend approval to the Board of Appeals, staff recommends the following conditions:

- 1) The applicant shall address the October 14, 2020 TAC comments from the Departments of Planning & Zoning, Public Works, and Environmental Health; and Talbot Soil Conservation District.
- 2) The applicant will need to return to the December Planning Commission meeting to address the waivers as noted in the chart below.

ZONING WAIVERS REQUIRED		
Chapter 190 Section	Waiver	Staff Analysis/Recommendation
§190-40	Landscaping	Staff supports this waiver.
§190-41.6	Bicycle Parking	Staff supports this waiver, as the industrial use does not anticipate bicycle traffic.

Commissioner Councell noted the following correction to the staff report. Under Policy and Zoning, item number 2, replace the word produce with “product.” Commissioner Councell asked about the variance that is needed. Mary Kay Verdery confirmed that the variance will go in front of the Board of Appeals and not the Planning Commission. However, the applicant will return to the Planning Commission next month for waivers of landscaping requirements, bicycling parking facilities. Commissioner Boicourt expressed his support for these upcoming waivers. No further questions were asked at this time. There were no public comments.

Commissioner Strannahan moved that the Planning Commission approve the Major Site Plan application for Talbot County Repurposing Facility subject to the staff conditions and future waivers. Commissioner Spies seconded the motion. The motion carried (5-0).

c. Applicant: Brennan and Jillian Ellis
File No.: L1348
Agent: Bill Ewald, Rauch Inc
Request: Preliminary Major Revision Plat to Abandon 25’ Right of way
Location: 5853 Irish Creek Rd, Royal Oak, MD 21662
Zoning: Map 46, Grid 10 Parcel 111; Zone: RC

Maria Brophy, Planner II for Talbot County read the Staff Report. The subject property consists of two deed parcels. Deed Parcel 1 was created in 1976 per Plat 40/20. Deed Parcel 2 was shown on Plat 40/20 as a shared access right-of-way (Right of way) with varying width: 50 feet in width beginning from Irish Creek Road and 25 feet in width beginning at the subject property. According to the applicant, the 25-foot portion of the shared access Right of way was transferred in fee simple in 1984. The applicant is proposing to abandon the lot line between Deed Parcels 1 and 2, and abandon the portion of the 25’ right-of-way that is currently on Deed Parcel 2, as designated on the proposed plan. Should the Planning Commission approve the Preliminary Major Revision Plan, staff recommends the following conditions:

- 1) The applicant shall take all of the required steps and acquire all necessary approvals, including any waivers, required for a Major Revision Plat as spelled out in the *Talbot County Code*.
- 2) The applicant shall address all outstanding issues to include providing a title search prior to final plat submittal.
- 3) The applicant shall comply with and address all additional TAC comments from the October 14, 2020 meeting prior to final TAC submittal.

Bill Ewald of Rauch Inc, represented the client. He stated that this project has been in front of the Planning Commission before. The applicant has addressed all minor TAC comments. Commissioner Ghezzi asked if the applicant has resolved comment number (6) from Elisa Deflaux. Bill Ewald stated that it has not been resolved. He understands that Planning and Zoning is asking for title work to be completed to resolve this issue. Initially there was a (50) foot right way and at some point in time a (25) foot portion was conveyed to the

previous landowner. The other 25 foot was never officially abandoned but it is the applicants belief that the intent was for it to be abandoned by the previous subdivision. There were no other questions or public comments.

Commissioner Ghezzi made a motion that the Planning Commission approve # L1348 Major Revision Plan – Preliminary (and Final) Plan for Brennan and Jillian Ellis, located at 5853 Irish Creek Road, Royal Oak, MD 21662; subject to staff conditions. Commissioner Spies seconded the motion. The motion carried (5-0)

d. Applicant: Jerry Davis
File No.: L1347
Agent: Bill Ewald, Rauch Inc
Request: Preliminary Major Revision Plat a portion of Walkers Turn Road
Location: 22641 Walkers Turn Rd, McDaniel MD 21647
Zoning: Map 22, Grid 2, Parcel 167 & 234; Zone: VH

Maria Brophy, Planner II, Planning & Zoning for Talbot County read the Staff report. At the County Council Meeting on January 14, 2020, the Council voted unanimously on Resolution 279 to abandon a portion of Walker Turn Road, a surplus roadway that is no longer needed for public use. The Resolution required that the applicant, at their sole cost and expense, commission a survey of the surplus roadway and apply for and obtain approval of a revision plat which shall: a) identify the surplus roadway to be abandoned, b) provide for the consolidation of the applicant's two parcels (Parcels 167 & 234), including the surplus roadway, into a single lot or parcel, and c) identify on the revision plat and grant easements for drainage that addresses the overland flow from Walkers Turn Road that drains in the direction of the surplus roadway, and d) provide an access easement to State Highway 33 over the easterly edge of the property for the benefit of the Caldwell property located at 9645 Tilghman Island Road. A summary of the history of the project was provided. Special Exception #1004 was approved for the subject property in 1997 for a commercial storage unit. The applicant attended a TAC Meeting on July 8, 2020 and August 12, 2020 for sketch plan review. The applicant attended a Planning Commission Meeting on September 2, 2020 and received sketch plan approval with conditions by a 5-0 vote. The applicant attended a TAC Meeting on October 14, 2020 for preliminary plan review. Should the Planning Commission approve the Preliminary Major Revision Plat, staff recommends the following conditions:

- 1) The applicant shall take all of the required steps and acquire all necessary approvals, including any waivers, required for a Major Revision Plat as spelled out in the *Talbot County Code*.
- 2) The applicant shall comply with and address all additional TAC comments from the October 14, 2020 meeting prior to final plat submittal.

Bill Ewald of Rauch Inc and Mr. Davis were both present. This application was also in front of the Planning Commission before. There were no questions for this applicant. Commissioner Councill believes that all previous concerns had been addressed.

Commissioner Spies moved that the Planning Commission approve # L1347 Major Revision Plan – Preliminary (*and Final*) Plan for Jerry Davis , located at 22641 Walkers Turn Rd, McDaniel MD 21663; subject to staff conditions. Commissioner Ghezzi seconded the motion. The motion carried (5-0)

e. Applicant: Charles Strasburger
File No.: C-717
Agent: Lyndsey Ryan, Booth, Cropper & Marriner, PC
Request: Recommendation to County Council to amend Section 190-33.1 B of the Talbot County Code to permit a private pier as an accessory structure on a lot without a principal use under certain conditions.
Location: 9779 Leeds Landing Rd, Easton MD 21601
Zoning: Map 24, Grid 2, Parcel 60; Zone: VR

Mary Kay Verdery stated in response to a Request to Planning Officer application in 2019, the applicant's two properties were deemed to be two separate parcels. They were not merged together for zoning purposes. The parcels are divided by a County Road. One parcel has the primary residence. The other parcel does not have a principal primary residence and therefore per our current code not allowed to have a pier. There was an administrative appeal filed with the Board of the appeals on that decision. That appeal has been postponed pending application and results of the text amendment. Although this text amendment would be available County wide, the location of the Strasburger property was provided as an example. Today the applicant is seeking Planning Commission recommendation to County Council. If County Council approves this text amendment, it will also be subject to the approval of the Chesapeake Bay Critical Area Commission. Staff has reviewed the proposed amendment provided by the applicant and made several recommendations. Mary Kay Verdery summarized the recommendations from the staff.

Lyndsey Ryan, of Booth, Cropper & Marriner, PC spoke on behalf of the applicant. She agrees with the recommendations from the staff expect for the Special Exception. She believes that there are already provisions in our code for that. She references 190-15.14.B. A Special Exception seems a little excessive to her. Mr. Strasburger stated that he bought the property (3) years ago. The two parcels are deeded together on the same deed. Mr. Strasburger stated that he just wants a reasonable sized pier to utilize the family boat. Commissioner Boicourt stated that they do not like to do individual zoning and believes the text amendment may be a way to correct this issue for Strasburger and other residents in the County. Commissioner Strannahan agrees with Commissioner Boicourt. He wonders how many other properties this amendment could apply to? Mary Kay Verdery does not know the specific amount, it is limited, but there are others. Researching that would take time. Location is not the only requirement. The parcels also have to be in common ownership since 1989. Commissioners discussed this amendment in detail. Commissioner Ghezzi wanted to know what the reason was for of the Special Exception. Mary Kay Verdery stated that staff wanted to be consistent with the current code regarding properties without a primary residence. For example, a Special Exception is required for an accessory storage structure on a property without a primary residence.

Commissioner Spies had two questions. Both were addressed by Mary Kay Verdery. The first one was regarding the purpose of setting a requirement date prior to 1989? In 1989 the Critical Area laws came into effect. We should not have any non-conforming properties created after that date. The second one was regarding the no-outlet road requirement, that was determined to address safety. Commissioner Councell asked for clarification on the reason the properties could not be combined. Ms. Verdery explained that the property does not meet the definition of a contiguous property because the properties are divided by a public road. Commissioner Councell is not in favor of a text amendment that focuses on one property. If the amendment goes forward, he prefers to keep the Special Exception, but eliminate the speed limit and no-out let requirement. Commissioner Strannahan worries that allowing the ability to combine properties across the road may promote people selling off a portion of their land for the addition of piers. Mary Kay Verdery stated that they will not be able to subdivide but there could be a possibility through the Line Revision process. That is why it is important to keep the 1989 date in the amendment. Commissioner Councell asked if Staff and the applicant could provide other options on this topic. Mary Kay Verdery would like the opportunity to look at other options. We also need to speak with sponsoring member of the County Councell to see if they would support another option. Lyndsey Ryan, of Booth, Cropper & Marriner, PC. is also willing to work with staff on other options. When asked by Commissioner Councell for input, Ryan Showwalter, of McAllister, DeTar, Showalter & Walker suggests a different approach. He stated that piers are different than other accessory structures on a property without a primary structure. He refers to Riparian law. In Maryland, owners with waterfront property have “right of access” to the water. After further discussion all Commissioners agree that property owners should be able to use their property. However, they would like to see another option that could help other landowners as well.

Commissioner Strannahan moved to table the decision on Strasburger C-717. The applicant will be placed on the December Planning Commission Meeting agenda as old business. Commissioner Spies seconded the motion. The motion carried (5-0)

f. Applicant:	Talbot County, Maryland
File No.:	Resolution 293
Agent:	Mary Kay Verdery, Acting Planning Officer
Request:	Planning Commission certification of consistency with the 2016 Talbot County Comprehensive Plan; Resolution to amend the Talbot County Comprehensive Water and Sewer Plan to reclassify and remap residential real property located on the Ferry Bridge Road, Easton, Maryland, 21601. Described as Tax Map 24, Parcels 69, 70 and 191 from Un-programmed to “S-1” immediate priority status.

Mary Kay Verdery read the staff report. Staff recommends the Planning Commission certify that the proposed amendment (to the Talbot County Comprehensive Water and Sewerage Plan is consistent with the 2016 Talbot County Comprehensive Plan.) The

Land Use policies provide for redevelopment of existing residential lots and buildings while protecting habitat and sensitive areas. The proposed amendment to connect properties with failing or inadequate septic systems to the County's wastewater treatment plant is consistent with the Sensitive Area and Natural Resource Conservation policies of the Comprehensive Plan. Ray Clarke, County Engineer stated that the County received an application from the three property owners. The County sewer lines will pass these properties as they are installed along Unionville Road. From a sanitation aspect, the County has no issues with the request. Due to the conditions of the septic systems it would also be an Environmental benefit. Ryan Showalter gave a brief description of the issues with the current septic systems. Commissioner Boicourt, Strannahan and Council would like something from Environmental Health stating these properties are failing or that this is the best option. Ray Clarke stated that he would reach out to Anne Morse of Environment Health. Commissioner Ghezzi asked if the Region II Wastewater Treatment Plant had a plan to serve properties in one area and then serve additional areas in stages. She also asked if the initial properties been connected to the sewer? Ray Clarke verified that all properties included in Resolution 235 and 250 have been connected. As long as we have the capacity, we can now bring properties in as needed. Ray Clarke explained that in addition to other costs including design, engineering, construction, inspection and testing, these property owners will be responsible for paying the \$12,000.00 connection fee. An estimate for hook-up is from \$23,000.00 to \$30,000.00. For people making less than \$300,000.00 they can qualify for grants that will pay a large portion. Anything over the grant the property owner is responsible for. The Sanitation Department does not pay the expense. Commissioner Spies inquired about the two lots across the street. Ryan Showalter stated that the property owners were not included in this amendment because they were not interested in incurring the costs of connection at this time. Commissioner Spies expressed his support of connecting properties that are close to the water in order to improve water quality.

Commissioner Ghezzi moved that the Planning Commission has reviewed the seven requirements as listed in the Environmental Article of the Maryland Annotated Code and certify that the proposed amendment to the Comprehensive Water and Sewerage Plan as outlined in Resolution 293 is consistent with the vision and policies of the 2016 Comprehensive Plan; subject to memo from Environmental Health Commissioner Spies seconded the motion. The motion carried (5-0)

g. Applicant:	Talbot County, Maryland
File No.:	Resolution 294
Agent:	Mary Kay Verdery, Acting Planning Officer
Request:	Planning Commission certification of consistency with the 2016 Talbot County Comprehensive Plan; Resolution to amend the Talbot County Comprehensive Water and Sewer Plan to approve a Capital Project for the improvements associated with Talbot County Resolution 235

Mary Kay Verdery read the staff report. Staff recommends that the Planning Commission certify that the proposed amendment (to the Talbot County Comprehensive Water and Sewerage Plan is consistent with the 2016 Talbot County Comprehensive Plan), subject to the removal of Section Fifteen. Ray Clarke summarized this resolution. The proposed Capital project amendment is associated with funding to upgrade the aging Royal Oak Pump Station. Mr. Clarke stated that Maryland Department of Environment has agreed to allow us to use some grant/loan funding for this purpose. However, they are asking for a resolution to include the improvements into the grant and loan project. Also in the future when we connect properties to the pump station we will be adding them to a list so that we can consistently show capacity. Commissioner Ghezzi asked if this resolution allows unimproved areas to be served. Ray Clarke said yes. However, anything that is unimproved will not have access to grant funds. There were no other questions or public comment.

Commissioner Ghezzi moved that the Planning Commission has reviewed the seven requirements as listed in the Environmental Article of the Maryland Annotated Code and certify that the proposed amendment to the Comprehensive Water and Sewerage Plan as outlined in Resolution 294 is consistent with the vision and policies of the 2016 Comprehensive Plan; subject the removal of Section Fifteen. Commissioner Strannahan seconded the motion. The motion carried (5-0)

h. Applicant: Talbot County, Maryland
File No.: Resolution 295
Agent: Mary Kay Verdery, Planning Officer
Request: Planning Commission certification of consistency with the 2016 Talbot County Comprehensive Plan; the resolution amends the Talbot County Comprehensive Water and Sewer Plan 204 - a resolution to add a capital project to upgrade the Talbot County Bio-Solids Facility at 9786 Klondike Road, Tax Map 18, Parcel 57 to add receiving and treatment capability for brown grease, equipped with odor control, proposed for FY 2014 with funding in the amount of \$6,000.00 through the Rural Utility Service Program, UDSA Rural Development

Mary Kay Verdery read the staff report. Staff recommends the Planning Commission certify that proposed amendment (to the Talbot County Comprehensive Water and Sewerage Plan is consistent with the 2016 Talbot County Comprehensive Plan). Ray Clarke gave a summary of this Capital Project, and the need for funding. He also noted that this facility serves Talbot County and Caroline County. Commissioner Ghezzi asked if the Commissioners should consider practices related to Wastewater recycling when developing the next Comprehensive Water and Sewerage. Mary Kay Verdery agreed that it would be a good idea to note.

Commissioner Strannahan moved that the Planning Commission has reviewed the seven requirements as listed in the Environmental Article of the Maryland Annotated Code and certify that the proposed amendment to the Comprehensive Water and Sewerage Plan as outlined in Resolution 295 is consistent with the vision and policies of the 2016 Comprehensive Plan. Commissioner Spies seconded the motion. The motion carried (5-0)

5. Discussions Items—None

6. Staff Matters

- 1) Planning Commissioners discussed the location of the upcoming meetings. The decision is to continue to meet at the Wye Oak Room at this time.
- 2) Mid Shore television has been provided to us as a result of the pandemic. If we choose to stay in the Community Center and continue to utilize the video portion with Mid Shore Television we will be charged. The cost is \$50.00 an hour. If the meeting returns to the Bradley Room, the meeting will be broadcasted using Webex. Commissioner Ghezzi worries about the recent increase in Covid-19 cases. Commissioner Cuncell and Ghezzi prefer the Community Center. Commissioner Spies expresses his support on providing live video access to the public. Mary Kay said that she will contact the County Managers office regarding the budget.
- 3) Mary Kay Verdery discussed two resolutions that have been introduced to the County Council requiring abandonment of portions of a road. Resolution 296 regarding Kates Point Road does not require a recommendation from the Planning Commission at this time. It will have a condition to comply with the plat process that will appear in front of the Planning Commission at a later date. Resolution 297 regarding the transfer a portion Glenwood Ave, which is in the Town of Easton. Transferring ownership of this portion of the road will allow the Town of Easton to maintain the entire road.

7. Work Sessions—None

8. Commission Matters—None

9. Adjournment— Commissioner Cuncell adjourned the meeting at 11:20 am.